

TALKING POINTS
FMM – Emergencies Act
February 14th 2021

Good afternoon.

Canada is a rule-of-law country. By declaring a Public Order Emergency under the Emergencies Act today, we are following the law and acting within it.

There are clear conditions set out in the Emergencies Act in order for a Public Order Emergency to be declared. Our government believes those conditions have been met.

And that requires the Government of Canada to act.

The Emergencies Act became law in 1988, replacing the War Measures Act.

[APG]

The Emergencies Act differs from its predecessor in two important ways:

First, it contains multiple, robust safeguards, including Parliamentary review;

Second, any measures taken under the Act are subject to the Canadian Charter of Rights and Freedoms.

The Emergencies Act can only be invoked in specific, serious circumstances that amount to a national emergency

For a situation to be qualified as a national emergency, three conditions must be met:

[APG]

First we must be in a situation that either:

- seriously endangers the lives, health or safety of Canadians and exceeds the capacity or authority of a province to deal with it, **or**
- seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada; and

Second, the provinces and territories' capacity to handle the situation must be considered insufficient or show gaps;

And third, we must conclude that the situation cannot be handled adequately under any other Canadian law, including provincial and territorial laws.

[APG]

Once an emergency is declared, the Emergencies Act permits the federal government to make necessary orders or regulations to deal with the emergency.

Our government respects the rights and freedoms of Canadians, as protected by the Charter, and we intend to use only the powers that are strictly necessary, reasonable and proportionate to resolve this crisis swiftly and safely.

Safeguards

The Emergencies Act also contains a number of significant limits, checks and safeguards.

- As required by the Act, earlier today, and on occasions over the past week, the Prime Minister and members of Cabinet consulted with the Premiers.

[APG]

- Having now declared a public order emergency, we will table the declaration in Parliament, as required, within seven days.
- In the coming days, a Parliamentary Committee will be struck to provide oversight while the emergency is in effect.
- The declaration only lasts for 30 days, unless renewed. However, we can – and sincerely hope to – revoke the emergency much sooner.
- Parliament also has the ability to revoke the declaration of the emergency, as set out clearly in the Act.

[APG]

The orders and regulations to give effect to the measures the Prime Minister just announced, will be made shortly, and tabled before Parliament within two days, as the Act requires.

Parliament can revoke or amend any order, ensuring accountability and oversight for all actions taken.

In closing, I want to emphasize one point clearly – these measures are temporary. We intend to impose them for only as long as is needed to restore order across the country.

Thank you, merci.

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[APG]